

PAYMENT OF FEDERAL EMPLOYEES

Mr. HARKIN. Mr. President, here we are now in the fourth day of another Government shutdown.

I do not know how many more days it is going to go on. I hope there is some reason for optimism. But I want to point out, once again, as I have with the Senator from California, that over 200,000 Federal employees are not at work and, as a matter of fact, no Federal employees are getting paid for these 4 days. Right before the holiday season, right before Christmas, Federal workers all over this country are unsure of just how much money they are going to be paid or when they are going to be paid.

This is grossly unfair, Mr. President, grossly unfair that Congress would act so cavalierly toward decent, hard-working people. I know it is fun to point fingers at bureaucrats and that type of thing, but just keep in mind, many of those Federal workers who are now not being paid are the same Federal workers, or the same type of Federal workers, who were killed in the Oklahoma City bomb blast—our hearts went out to them—people doing their job, working for their country, doing the best they can to make sure our Government operates fairly and justly and in the best interest of our people. And yet now, right before Christmas, they are told, "We don't know if we can pay you." Some are told to go home, not come to work. But what is so grossly unfair about this, Mr. President, is that Members of Congress who caused this whole thing are getting paid. Senators continue to get paid. Members of the House continue to get paid.

Earlier this year, one of the first bills that we passed was the Congressional Accountability Act. As a matter of fact, here is the so-called Contract With America that Members of the House of Representatives put out. The first item in that Contract With America says: "It requires all laws that apply to the rest of the country also apply equally to Congress."

That was the first bill we picked up this year, and we passed it. I happen to have supported it. I thought it was long past time when Members of Congress should be covered by the same laws that apply to the people around the country. But the country found out during last month's partial Government shutdown that when it comes to paychecks, Congress gets special treatment. Congress is not covered by the same laws as other Federal workers. They do not get their pay, but Congress continues to get its pay during periods of shutdown.

We have passed three times this year a no-budget/no-pay bill or amendments that say if Congress shuts down, Members of Congress do not get paid or that we get treated exactly like the most adversely affected Federal worker.

It has been passed three times, but what happened? It just sort of got lost

when it went to conference. In fact, I am told that the no-budget/no-pay amendment which was attached to the ICC bill was dropped in conference—just dropped in conference. It is still a part of the D.C. appropriations bill that is now languishing in the House. Let us see if the House has the courage to live up to its own Contract With America to make the laws that apply to Federal workers also apply to Congress, so that in periods of shutdown, Members of Congress will be hit in the pocketbook just as well as other Federal workers.

I have heard from my constituents. I know that people around the country have now been alerted to this, and they know we are getting treated differently. What difference does it make to the Speaker of the House if the Government shuts down? He gets his paycheck. What difference does it make to anyone in this body or the House? It does not make any difference. If the Government shuts down, Congressmen and Senators still get their pay.

So for those of us in the Congress, we do not have to worry about making the house payment or the car payment or buying presents for the kids, because we know that paycheck is going to be there. But for over 200,000 Federal workers, many of whom live in Virginia and Maryland, many of whom live in my State of Iowa and across this land, they do not know.

I saw an interview on television last night with some of these Federal workers. One after the other was saying, "We just don't know what kind of Christmas it is going to be. We don't know whether to buy presents or not because we don't know when and if we are going to get paid, we don't know when and if we are going to go back to work."

What a terrible thing to do to people. It is unconscionable that we would allow this to happen. I, for one, think we should have gone on a continuing resolution until January or February, keep these people on the job and let us work out this budget arrangement. Let the people go to work, but at least have enough decency and kindness and compassion that Federal workers can at least enjoy their Christmas. That is, unless you just absolutely do not care about them. Maybe there are some who do not care. But I care about them. I care very much about them, because they are doing a good job for our country in carrying out the mandates of Congress and this Government, and it is not right that we treat them differently than we treat ourselves.

So we should have no exemptions for Congress, no special deals. We should say that we are like the most adversely affected Federal worker. If we have a Government shutdown, Members of Congress and the Senate should not get their paycheck.

So, Mr. President, I will speak about it again tomorrow and every day that the Government remains shut down, pointing out the unfairness of it. I just

hope that the House of Representatives will finish their work on the District of Columbia appropriations bill. We will see if they have the guts to leave on the no-budget/no-pay amendment that was adopted in the Senate. Send it to conference and let us get it acted on once and for all. I daresay, if Members of the House and the Senate were treated like the most adversely affected Federal worker, I just wonder how many days we would shut down the Government. I bet the number would approach zero.

So, Mr. President, I think it is time Members of the House and Senate be treated just like other Federal workers. With that, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

VETERANS' BENEFITS

Mrs. HUTCHISON. Mr. President, I thank the Senator from Virginia for putting together a letter to the President asking the President to do what we believe he has the right to do, and that is pay veterans' benefits.

Obviously, all of us are going to continue to negotiate and work with our leaders and are negotiating to stop the shutdown of Government. But, Mr. President, we do not have a whole lot of time before veterans' benefits are going to be late or will not be there at all, and that is not right. These are earned benefits.

We believe and we have gotten legal opinions that say that the President has the right to declare that veterans' benefits are essential. Who could question that veterans' benefits are an essential part of Government?

But, in fact, the Veterans Affairs bill that was passed by both bodies and sent to the President was vetoed in recent days. Now, once again, we are faced with veterans' benefits not being paid. The President and his administration said during the last Government shutdown that veterans' benefits are not on the list, not on the essential list. We believe that is an erroneous assumption; that is an erroneous look at the regulation and the laws that are in place right now. If anything is essential in this Government, it should be veterans' benefits. In fact, the President has declared that the people who process the veterans' benefits are essential, but the benefits are not. I would leave you to get the logic of that.

Mr. President, we have sent a letter to the President—Senators WARNER, SIMPSON, DOLE, and myself, along with 34 other cosigners of the letter—asking the President merely to do what we believe he has the right to do, and let veterans know just before the holiday season that their benefits will not be late.

But, in fact, if the President does not do this, we are prepared to pass a bill through the Senate that would require

him to do it, or give him the authority to do it. The House is going to take that bill up tomorrow or the next day. We will take it up immediately thereafter. But the President could keep us from having to go through that routine if he is sincere in wanting to do what is right for the veterans of our country.

I want to say thank you to Senator WARNER for starting this process, for bringing it to our attention. I also want to say, because there are people on the floor here, that the authorization bill for the Department of Defense that just passed was obviously tough. It was a close vote. A lot of people are responsible for the authorization going through, making sure that the Defense Department does have the funding that it needs, especially in this time when we have young men and women going to Bosnia and who will be there and will look to us for the stability of funding to make sure that they have what they need.

I thank Senator THURMOND, the chairman of the committee, for his leadership. He did a wonderful job. Without him, this bill would not have gone through. There are two or three other people who were integral to this process, and I want to say that Senator WARNER from Virginia, Senator LOTT from Mississippi, and Senator COHEN from Maine were essential to getting this bill through, to working it and staying with it and not giving up, despite the differences on the two sides of the aisle.

So I thank the Senator from Virginia, and I commend him for getting his letter to the President. I hope the President will respond to the veterans and give them a Christmas present. They should not be put at peril and should not have to worry about it.

Mr. WARNER. Mr. President, I thank my colleague from Texas for her thoughtful remarks. Indeed, she deserves an equal amount of credit for getting this conference report passed. True, our distinguished whip, Mr. LOTT, Mr. COHEN, and others, took active negotiating roles, but she, too, was there. We thank her.

I am delighted that the Senator mentioned the soldiers, sailors, airmen, and marines going to Bosnia because this letter, Mr. President, reflects the sentiment of the Congress of the United States toward veterans. But they will be veterans some day. It is the continuity of the treatment of veterans by the Congress of the United States that enables this country to continue to get the finest and the best qualified to come in and wear the uniforms of our armed services today, tomorrow, and in the future. So each time we deal with a veterans issue, we should think about the current generation serving, for they will some day be veterans, together with their families and loved ones.

I ask unanimous consent that this letter prepared by the Senator from Texas, Senator SIMPSON, Senator DOLE, myself, and others, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, December 19, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are disappointed that you chose to veto the 1996 Veterans Affairs, Housing, and Urban Development and Independent Agencies appropriations bill. Your veto threatens hardships for our nation's veterans, unless you exercise your authority to ensure basic entitlements required by law are continued.

We consider it an unresolved issue whether the "faithful execution of the laws" clause of Article II of the Constitution permits the President, in the absence of an appropriation, to enter into any obligation to pay benefits that are expressly required by law. It is our view that veterans' benefits have the same status as other earned benefits upon which people depend to live, and should be designated as essential and payments continued.

Assistant Attorney General Walter Dellinger, in his memorandum interpreting earlier Department of Justice opinions on the consequences of a lapse of appropriations, writes that, "Efforts should be made to interpret a general statute such as the Antideficiency Act to avoid the significant constitutional questions that would arise were the Act read to critically impair the exercise of constitutional functions assigned to the executive." Rather than avoiding this question, or ceding authority to Congress, we believe you should act to carry out the laws of the United States for the benefit of veterans.

If you decide not to declare veterans benefits essential, we intend to bring up a funding resolution quickly to provide necessary appropriations. We hope you will act first, making such action unnecessary.

Sincerely,

John Warner; Alan Simpson; Kay Bailey Hutchison; Bob Dole; Lauch Faircloth; Dan Coats; Pete V. Domenici; Rod Grams; Jon Kyl; Bill Frist; Richard Shelby; Craig Thomas; Richard G. Lugar; Alfonse D'Amato; Conrad Burns; Mitch McConnell; Ted Stevens; John H. Chafee; Judd Gregg; Bob Smith; Larry Pressler; Thad Cochran; Chuck Grassley; Jim Jeffords; Connie Mack; John McCain; Nancy Landon Kassebaum; Rick Santorum; Spencer Abraham; Olympia Snowe; Frank H. Murkowski; Dirk Kempthorne; John Ashcroft; Don Nickles; Trent Lott; Strom Thurmond; Larry E. Craig; Slade Gorton.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

THE DOD AUTHORIZATION CONFERENCE REPORT

Mr. LOTT. Mr. President, I, too, want to join in saying how pleased I am that we have passed this very important piece of legislation. There was extensive debate today, and I think all the important points have been made. I am proud of the Senate, that we did get it passed and sent it to the President. The defense of our country should be our highest priority. We have lived up to that responsibility in the passage of this legislation.

I want to, again, commend the distinguished chairman of the Armed Services Committee, the Senator from South Carolina, for his dogged persistence in moving this legislation. Without his efforts, without his coming on to the floor of the Senate and in committee and grabbing us by the arm and saying, "We have to move this issue," and, "Let us get agreement on missile defense and on the B-2. We have to move this legislation," it would not have happened, in spite of the efforts of all of us. But he just stayed with it and we got it done. This should be the Thurmond bill because he really made it happen.

I have enjoyed working with all the members of the Armed Services Committee, especially the Senator from Virginia, Senator WARNER, and all of the others. I want to say, also, I think a lot of staff on both sides of the aisle need to be recognized. There are too many to name, but Senator THURMOND's staff, Senator WARNER's fine staff, and my own staff assistant, Sam Adcock, put a lot of time in this bill, and they should be congratulated.

I certainly agree with the Senator from Texas—with the letter she has developed to say that we should make sure that our veterans are paid, and there is no reason why they should not be. I assume they will be taken care of by administrative decision.

A BALANCED BUDGET

Mr. LOTT. Mr. President, I would like to also talk a little bit about the joint resolution. An effort was made to call it up tonight. This joint resolution passed the House of Representatives just yesterday by an overwhelming vote of 351-40; over 130 Democrats voted for it. This joint resolution is pretty simple and direct and to the point. It just says that as we voted a month ago on a similar resolution, which the President signed, that the Congress is reaffirming its commitment to a balanced budget in 7 years with honest numbers, as scored by the Congressional Budget Office. That is all it does.

Now, when the distinguished majority leader attempted to bring this joint resolution up in the Senate that passed the House overwhelmingly yesterday, there was objection to it by the minority leader, but he indicated if we could add the additional language that we had in our earlier resolution, perhaps we could get it worked out and get it passed. I think we should be able to do that. We worked on that language earlier. We are all committed to making sure that Medicare is protected and, in fact, strengthened. We are all committed to a strong national defense and agriculture programs, along with the whole list of issues that we included in that earlier legislation. So I think we can probably work that out and get it agreed to tomorrow. I hope so.

We have had the additional development now that it appears that maybe